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February 25, 2015

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Honorable James L. Cott
United States Magistrate Judge
U.S. District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 1360
New York, NY 10007-1312

Re: Consolidated Edison Co. of New York, Inc. v. Lexington Insurance Company, No. 14-cv-6547 (CM) (JLC)

Dear Judge Cott:

We represent the plaintiff, Consolidated Edison Co. of New York, Inc. ("Con Edison"), in the above-referenced matter. Your Honor's Order of February 12, 2015, following the telephone conference that day, directed the parties to meet and confer prior to February 27, 2015 to attempt to narrow disputes regarding discovery, and to discuss the need for a protective order. If the parties were unable to reach a resolution of these issues, Your Honor directed us to file a letter motion to compel discovery, with a separate submission for a proposed protective order, no later than February 27, 2015. Following the conference before Your Honor, I conferred with counsel for defendant, Lexington Insurance Company, Mr. Kevane, and we were able to resolve all of the discovery disputes. We, therefore, will not be filing a motion to compel discovery. Mr. Kevane also told me that he was considering our request that the parties enter into a protective order and would contact me once he had spoken with his client. I have not heard back from him yet. We therefore request that we be allowed to submit a proposed protective order to Your Honor after we hear back from Mr. Kevane.

Respectfully submitted,

David L. Elkind

cc: Timothy D. Kevane, Esq.

*Permission granted -
SO ORDERED -
Jms L. Cott
U.S.M.J.
2/25/15*